

Mr. McCAUL. Mr. Speaker, I rise in opposition to the Lujan Grisham amendment.

Let me say, first, that the Secretary of Homeland Security testified before my committee this morning, a decorated four-star general serving in Iraq and Afghanistan. He is the head of SOUTHCOM. This man knows the border. Secretary Kelly supports this legislation.

I find it a bit offensive that decorated veterans who have already received clearances somehow would present a threat to the security of the United States, so I reject that argument.

This amendment strikes me as an unnecessary and harmful delay tactic that would prevent CBP from implementing the much-needed flexibility provided for in the underlying bill.

If the delays called for in this amendment were put in place, CBP would have to sit and wait until certain unnecessary obstacles were overcome, some of which are completely out of their control. All the while, they would continue to hemorrhage officers and agents, threatening the Nation's border security and the flow of commerce in and out of the country. This could put our national security at risk and would be, further, detrimental to the flow of legitimate trade and travel.

CBP has missed hiring targets for Border Patrol agents for 4 years and CBP officers for almost 18 months. We need additional officers and agents now, simply to meet the congressionally mandated CBP staffing levels that have been put in place for a year. We cannot wait for more reports and evaluations.

Sadly, this amendment looks to me like an attempt by opponents of the bill to prevent the important provisions of this bill from going into effect in a timely manner, thus preventing the hiring of already trusted and vetted individuals who have served their Nation and the military with honor and distinction.

It is also important to underscore two points here: one, that all applicants will continue to be fully vetted, including a rigorous tier 5 background investigation, which is equivalent to the investigation performed for all servicemembers who hold a top secret clearance; and second, the authority granted under this bill is discretionary. If the CBP Commissioner wishes to require a polygraph examination for any applicant for any reason, he can and should still do so.

Mr. Speaker, we cannot afford to wait any longer. As the Speaker knows, who is briefed on the threats, as do I, in a classified setting, the threats are real. This Nation is at risk, and we cannot afford to wait.

So, for these reasons, I oppose the amendment, and I urge my colleagues to reject it.

Let me just close, again, by saying I oppose the amendment. The men and women wearing the uniform on the front lines of our ports and borders

need relief now, and any delay tactics should be rejected. Therefore, I urge opposition, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

The question is on the amendment offered by the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the order of the House of today, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. CAPUANO. Mr. Speaker, I rise to a question of the privileges of the House that was previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Expressing the sense of the House of Representatives that the President shall immediately release his tax return information to Congress and the American people.

Whereas, in the United States' system of checks and balances, Congress has a responsibility to hold the Executive Branch of government to a fair and equal standard of transparency ensuring the public interest is placed first;

Whereas, according to the Tax History Project, every President since Gerald Ford has disclosed their tax return information to the public;

Whereas, tax returns provide an important baseline of reasonable information including whether the President paid taxes, ownership interests, charitable donations made, and whether tax deductions have been exploited;

Whereas, disclosure of the President's tax returns could help those investigating Russian influence in the 2016 election understand the President's financial ties to the Russian Federation and Russian citizens, including debts owed and whether he shares any partnership interests, equity interests, joint ventures or licensing agreements with Russia or Russians;

Whereas, the President recently fired Federal Bureau of Investigation Director James Comey, under whose leadership the FBI was investigating whether the Trump campaign colluded with Russia to influence the 2016 election;

Whereas, President Trump reportedly stated to Russian officials during a White House meeting that he fired Director Comey to ease pressure on the ongoing investigation of Russia's influence in the 2016 election;

Whereas, Senate Russia investigators have requested information from the Treasury Department's criminal investigation division, the Financial Crimes Enforcement Network, or FinCEN, which handles cases of money laundering, for information related to President Trump, his top officials and campaign aides. FinCEN has been investigating allegations of foreign money-laundering through purchases of U.S. real estate;

Whereas, the President's tax returns would show us whether he has foreign bank accounts and how much profit he receives from his ownership in myriad partnerships;

Whereas, Donald Trump Jr. said the Trump Organization saw money "pouring in from Russia" and that "Russians make up a pretty disproportionate cross-section of a lot of our assets."

Whereas, Congress gave itself the authority to review an individual's tax returns to investigate and reveal possible conflicts of interest of executive branch officials involved dating back to the Teapot Dome scandal.

Whereas, it has been reported that federal prosecutors have issued grand jury subpoenas to associates of former National Security Advisor Michael Flynn seeking business records as part of the ongoing probe into Russian involvement in the 2016 election;

Whereas, according to his 2016 candidate filing with the Federal Election Commission, the President has 564 financial positions in companies located in the United States and around the world;

Whereas, against the advice of ethics attorneys and the Office of Government Ethics, the President has refused to divest his ownership stake in his businesses; and can still withdraw funds at any time from the trust of which he is the sole beneficiary;

Whereas, the Emoluments Clause was included in the U.S. Constitution for the express purpose of preventing federal officials from accepting any "present, Emolument, Office, or Title . . . from any King, Prince, or foreign state";

Whereas, the Chairmen of the Ways and Means Committee, Joint Committee on Taxation, and Senate Finance Committee have the authority to request the President's tax returns under Section 6103 of the tax code;

Whereas, the Joint Committee on Taxation reviewed the tax returns of President Richard Nixon in 1974 and made the information public;

Whereas, the Ways and Means Committee used IRC 6103 authority in 2014 to make public the confidential tax information of 51 taxpayers;

Whereas Director Comey has testified that tax returns are a common tool in investigations because they can show income and motives;

Whereas, the American people have the right to know whether or not their President is operating under conflicts of interest related to international affairs, tax reform, government contracts, or otherwise: Now, therefore, be it:

Resolved, That the House of Representatives shall—

1. Immediately request the tax return information of Donald J. Trump for tax years 2006 through 2015 for review in closed executive session by the Committee on Ways and Means, as provided under Section 6103 of the Internal Revenue Code, and vote to report the information therein to the full House of Representatives.

2. Support transparency in government and the longstanding tradition of Presidents and Presidential candidates disclosing their tax returns.

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentleman from Massachusetts wish to present argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Mr. CAPUANO. Yes, Mr. Speaker, I would like to do so.

The SPEAKER pro tempore. The gentleman is recognized on the question of order.

Mr. CAPUANO. Mr. Speaker, the privileges of the House as defined in rule IX, clause 1 are “those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.”

We all know what has been going on for the last couple of months. In light of the testimony that was just released today of former Director Comey and what he is scheduled to say, his written testimony tomorrow, if it is not clear by now that the Congress should continue its investigation—as we speak, we have several committees in this Congress investigating the Russian influence on our election and what its relationship is with the Trump administration.

Clearly and unequivocally, one of the questions that must be answered for the integrity of this investigation and, therefore, the integrity of the House, is whether the President himself had any undue influence in his actions.

Now, the answer may be “no,” and I personally hope that it is “no.” I have no personal reason to want to have the President do something wrong.

But, at the same time, we, the American people, have a right to know the answer that our President has not been subject to undue influence. And as a Member of Congress, we have a responsibility to our constituents to provide them those answers.

The investigations are ongoing. At some point, it is unquestioned that the President's tax returns will become relevant to what the FBI is doing. It is only a matter of time.

For the integrity of the House, for the dignity of the House, I believe firmly that we should exercise the law that the Congress put in place itself to do our own due diligent investigation and not just simply sit on our hands while others do our work for us.

These documents will become public, and when they do, regardless of what they show, I believe firmly it will reflect negatively on this House for not having done our duty, for having shirked our responsibilities. That is why I believe this is a privilege of the House. That is why I believe this House should take this action.

And again, I hope we find nothing. That would be good for America, certainly good for Mr. Trump, good for America. We have plenty of other things to argue about and debate. This shouldn't be one of them.

And if anybody can look me in the face and say that they believe this investigation is just going to go away, if they believe the investigators are not going to look at the President's financial records, they can't because anybody who has ever been involved in any type of an investigation knows it is inevitable. And since it is inevitable, why should we wait? Why should we wait?

I ran for office, taking an oath to uphold the Constitution and giving my constituents my promise of only one thing: I will do my job as best as I see fit. I won't shirk my responsibilities.

We have plenty of votes in this House that many of us, including me, would rather not take because they are uncomfortable, because we have to explain them to our constituents, because sometimes they are difficult and confusing. This is not one of them.

There aren't any Americans that don't believe they have a right to know that their President has not been subject to undue influence. That is all this does. It draws no conclusion from it, and it allows the majority party to call on it to make the determination; not me, but the majority party; the chair of the Ways and Means Committee.

That is why I offered this resolution. That is why I think this resolution is going to continue to be offered, and, at some point, the House is going to do it. I don't know why Members of the House want to drag this out and pretend that somehow you are going to be able to avoid it. You are not. It is going to happen.

With that, I would like to invite my friend, Mr. PASCRELL, to say a few words. He has been the leader on this particular issue for months now.

The SPEAKER pro tempore. The Chair will hear each Member individually.

Does any other Member wish to be heard on the question of order?

The gentleman from New Jersey is recognized on the question of order.

Mr. PASCRELL. Mr. Speaker, just when you think you heard it all, you haven't. And as my friend from Massachusetts (Mr. CAPUANO) just pointed out, what we need to do is uphold the integrity of this body, the legislative branch of government.

Now, just a brief review, because I have about 2,000 pages of reference. We are not going to go into that all tonight, but if you will allow me, I will go into some of it.

The SPEAKER pro tempore. Does this pertain to the question of order?

Mr. PASCRELL. Yes, sir.

We started out on February 1. We have had a letter to the chairman of the Ways and Means Committee. We have had an amendment in the Ways and Means Committee, which is one of the three committees under 6103, paragraph F, section 1 of the Tax Code, written in 1924, that allows the Ways and Means Committee, along with the Senate Finance Committee, along with the Joint Committee on Taxation, to do its due diligence.

We have had one, two, three, four, five, six, seven privileged resolutions. Mr. CAPUANO has offered tonight's privileged resolution.

We have had a resolution, two resolutions of inquiry through the Ways and Means Committee—just having a little review here of what we have done. We have debated all of these. They must have all been in order.

And we have a discharge petition right now before the Congress of the United States, and if we get to 218 in that discharge petition, we will have to take another vote. As Mr. CAPUANO

pointed out, there are a lot of votes that we don't like to take, but these are votes that are necessary, Mr. Speaker.

Already, two dozen Members of the majority party at town meetings have said, yes, the President should give the public, or at least the committees, first of all, his tax returns.

We are not talking about a 1040. We are talking about thousands of pages that go into a businessperson's, who is a billion-, zillionaire, whatever the heck he is, that is what it takes.

The SPEAKER pro tempore. The gentleman must confine his remarks to the question of order; whether the proposed resolution constitutes a question of the privileges of the House.

Mr. PASCRELL. Oh, I think this is a privilege of the House, sir.

The SPEAKER pro tempore. Not to the merits of the resolution.

Mr. PASCRELL. Right. I understand that. I understand that. Thank you for pointing that out.

Mr. Speaker, I am sure you know who Walter Shaub is. S-H-A-U-B. Walter Shaub is the Director of the United States Office of Government Ethics. That is pretty important. In fact, in the last administration—talk about the privilege of the House—this is the document that was presented on June 21, the day after inauguration, 2009, the Ethics Commitments by the Executive Branch of Personnel.

This document goes into such things as the revolving door ban on lobbyists or pertaining to the executive branch of government because that is what we are talking about.

Just when you think you have heard it all, you haven't.

Two weeks ago, Mr. Speaker, this administration threw out there in a trial balloon that we are going to start to sell off—

Is there a problem? Is there a problem?

The SPEAKER pro tempore. The gentleman must confine his remarks to the question of order.

Mr. PASCRELL. That is correct. That is exactly what I am doing.

The SPEAKER pro tempore. The gentleman is wandering far from the question of order.

Mr. PASCRELL. I never wander, Mr. Speaker. I may not stick to the subject, but I don't wander.

The SPEAKER pro tempore. The gentleman is in the wilderness.

Mr. PASCRELL. No, I am not. I am not in Idaho.

The fact of the matter is, this is a very specific document that each administration presents when it is sworn. This is the set of rules which govern the executive branch of government.

When I read in documentation that we are getting set to sell off public lands, what am I reminded of?

Talk about the integrity of the House of Representatives. What am I reminded of?

I am reminded of what happened in 1922, 1923, 1924, when they tried to sell

off oil reserves, and it got them into trouble. Republicans had their hands out. Democrats had their hands out, which led, Mr. Speaker—

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Massachusetts seeks to offer a resolution as a question of the privileges of the House under rule IX.

As the Chair most recently ruled on May 24, 2017, the resolution directs the Committee on Ways and Means to meet and consider an item of business under the procedures set forth in 26 U.S.C. 6103 and, therefore, does not qualify as a question of the privileges of the House.

Mr. CAPUANO. Mr. Speaker, I appeal the ruling of the chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. McCAUL. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McCaul moves that the appeal be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAPUANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the order of the House of today, this 15-minute vote on the motion to table will be followed by 5-minute votes on adoption of amendment No. 1 to H.R. 2213 and passage of H.R. 2213, if ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 186, answered “present” 1, not voting 15, as follows:

[Roll No. 292]

YEAS—228

Abraham	Carter (GA)	Emmer
Allen	Carter (TX)	Estes (KS)
Amash	Chabot	Farenthold
Amodei	Chaffetz	Faso
Arrington	Cheney	Ferguson
Bacon	Coffman	Fitzpatrick
Banks (IN)	Cole	Fleischmann
Barletta	Collins (GA)	Flores
Barr	Collins (NY)	Fortenberry
Barton	Comer	Foxx
Bergman	Comstock	Franks (AZ)
Biggs	Conaway	Frelinghuysen
Billirakis	Cook	Gaetz
Bishop (MI)	Costello (PA)	Gallagher
Bishop (UT)	Cramer	Garrett
Black	Crawford	Gibbs
Blackburn	Culberson	Gohmert
Blum	Curbelo (FL)	Goodlatte
Bost	Davidson	Gosar
Brat	Davis, Rodney	Gowdy
Bridenstine	Denham	Granger
Brooks (AL)	Dent	Graves (GA)
Brooks (IN)	DeSantis	Graves (LA)
Buchanan	DesJarlais	Graves (MO)
Buck	Diaz-Balart	Griffith
Bucshon	Donovan	Guthrie
Budd	Duffy	Harper
Burgess	Duncan (SC)	Harris
Byrne	Duncan (TN)	Hartzler
Calvert	Dunn	Hensarling

Herrera Beutler	McHenry	Rutherford
Hice, Jody B.	McKinley	Scalise
Higgins (LA)	McMorris	Schweikert
Hill	Rodgers	Scott, Austin
Holding	McSally	Sensenbrenner
Hollingsworth	Meadows	Sessions
Hudson	Meehan	Shimkus
Huizenga	Messer	Shuster
Hultgren	Mitchell	Simpson
Hunter	Moolenaar	Smith (MO)
Hurd	Mooney (WV)	Smith (NE)
Issa	Mullin	Smith (NJ)
Jenkins (KS)	Murphy (PA)	Smucker
Jenkins (WV)	Newhouse	Stefanik
Johnson (LA)	Noem	Stewart
Johnson (OH)	Nunes	Stivers
Jordan	Olson	Taylor
Joyce (OH)	Palazzo	Tenney
Katko	Palmer	Thompson (PA)
Kelly (MS)	Paulsen	Thornberry
Kelly (PA)	Pearce	Tiberi
King (IA)	Perry	Tipton
King (NY)	Peterson	Trott
Kinzinger	Pittenger	Turner
Knight	Poe (TX)	Upton
Kustoff (TN)	Poliquin	Valadao
Labrador	Posey	Wagner
LaHood	Ratcliffe	Walberg
LaMalfa	Reed	Walden
Lamborn	Renacci	Walker
Lance	Rice (SC)	Walorski
Latta	Roby	Walters, Mimi
Lewis (MN)	Roe (TN)	Weber (TX)
LoBiondo	Rogers (AL)	Webster (FL)
Long	Rogers (KY)	Wenstrup
Loudermilk	Rohrabacher	Westerman
Love	Rokita	Williams
Lucas	Rooney, Francis	Wilson (SC)
Luetkemeyer	Rooney, Thomas	Wittman
MacArthur	J.	Womack
Marchant	Ros-Lehtinen	Woodall
Marshall	Roskam	Yoder
Massie	Ross	Yoho
Mast	Rothfus	Young (AK)
McCarthy	Rouzer	Young (IA)
McCaul	Royce (CA)	Zeldin
McClintock	Russell	

NAYS—186

Adams	Dingell	Levin
Aguilar	Doggett	Lewis (GA)
Barragán	Doyle, Michael	Lieu, Ted
Bass	F.	Lipinski
Beatty	Ellison	Loebach
Bera	Eshoo	Lofgren
Beyer	Espallat	Lowenthal
Bishop (GA)	Esty (CT)	Lowey
Blumenauer	Evans	Lujan Grisham,
Blunt Rochester	Foster	M.
Bonamici	Frankel (FL)	Luján, Ben Ray
Boyle, Brendan	Fudge	Lynch
F.	Gabbard	Maloney,
Brady (PA)	Galleo	Carolyn B.
Brown (MD)	Garamendi	Maloney, Sean
Brownley (CA)	Gonzalez (TX)	Matsui
Bustos	Gottheimer	McCollum
Butterfield	Green, Al	McEachin
Capuano	Green, Gene	McGovern
Carbajal	Grijalva	McNerney
Cárdenas	Gutiérrez	Meeks
Carson (IN)	Hanabusa	Meng
Cartwright	Hastings	Moore
Castor (FL)	Heck	Moulton
Castro (TX)	Higgins (NY)	Murphy (FL)
Chu, Judy	Himes	Nadler
Cicilline	Hoyer	Neal
Clark (MA)	Huffman	Nolan
Clarke (NY)	Jayapal	Norcross
Clay	Jeffries	O'Halleran
Cleaver	Johnson (GA)	O'Rourke
Cohen	Johnson, E. B.	Pallone
Connolly	Jones	Panetta
Conyers	Kaptur	Pascarell
Cooper	Keating	Payne
Correa	Kelly (IL)	Pelosi
Costa	Kennedy	Perlmutter
Courtney	Khanna	Peters
Crist	Kihuen	Pingree
Crowley	Kildee	Pocan
Cuellar	Kilmer	Polis
Davis (CA)	Kind	Price (NC)
Davis, Danny	Krishnamoorthi	Quigley
DeGette	Kuster (NH)	Raskin
Delaney	Langevin	Rice (NY)
DeLauro	Larsen (WA)	Rosen
DeLuna	Larson (CT)	Roybal-Allard
Demings	Lawrence	Ruiz
DeSaulnier	Lawson (FL)	Ruppersberger
Deutch	Lee	Rush

Ryan (OH)	Sires	Vargas
Sánchez	Slaughter	Veasey
Sarbanes	Smith (WA)	Vela
Schakowsky	Soto	Velázquez
Schiff	Speier	Visclosky
Schneider	Suozzi	Walz
Schrader	Swalwell (CA)	Wasserman
Scott (VA)	Takano	Schultz
Scott, David	Thompson (CA)	Waters, Maxine
Serrano	Thompson (MS)	Watson Coleman
Sewell (AL)	Titus	Welch
Shea-Porter	Tonko	Wilson (FL)
Sherman	Torres	Yarmuth
Sinema	Tsongas	

ANSWERED “PRESENT”—1

Sanford

NOT VOTING—15

Aderholt	DeFazio	Marino
Babin	Engel	Napolitano
Brady (TX)	Grothman	Reichert
Clyburn	Jackson Lee	Richmond
Cummings	Johnson, Sam	Smith (TX)

□ 1639

Messrs. YARMUTH, CONYERS, and GENE GREEN of Texas changed their vote from “yea” to “nay.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on roll-call No. 292, I was unavoidably detained to cast my vote in time. Had I been present, I would have voted “yes.”

CONGRESSIONAL SHOOT-OUT AND INDUSTRY CHALLENGE

(Mr. DUNCAN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today as chairman of the Congressional Sportsmen's Caucus—the largest bipartisan caucus within the Halls of Congress—to talk about the recent May 16 congressional shoot-out, a competition of sporting clays, skeet, and trap that pit Republican and Democrat Members of Congress against each other in a great afternoon of enjoying outdoor shooting sports.

We had a bipartisan shoot. The Republican team won this year. I am just the chairman and team captain.

I would like to say that I won one of the individual awards this year—I have in the past—but this year we had Members on our side that won. The top gun Member of Congress was RICHARD HUDSON from North Carolina. The top shot Democrat was TIM WALZ. The best shooter for skeet was COLLIN PETERSON. The top sporting clays was a freshman Member from North Carolina, TED BUDD. I am saving the best for last: the top trap was none other than DON YOUNG from Alaska.

It is a great afternoon where we can honor the outdoor economy, the largest industry of the United States, serve the outdoors in a lot of ways, and the heritage of sportsmen outdoor community activity is critical to the American story.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GENE GREEN), who is the Democrat co-chair.